

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL E. JACQUES,
Plaintiff,

v.

JEFF MACOMBER, et al.,
Defendants.

No. 2:23-cv-0345 TLN AC P

FINDINGS AND RECOMMENDATIONS

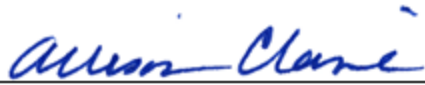
Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. On September 23, 2024, the court screened the complaint and found that plaintiff had stated cognizable Eighth and Fourteenth Amendment claims against defendants Franceschi and Lynch in their individual capacities and against Lynch in his official capacity, but that her claims against Franceschi in her official capacity and all claims against Macomber were insufficient to proceed. ECF No. 10. Plaintiff was given the options of amending the complaint or proceeding immediately on her cognizable claims against defendants Franceschi and Lynch. Id. at 9-10. She was further advised that if she failed to notify the court how she wanted to proceed, the court would assume that she was choosing to proceed on the complaint as screened. Id. at 10. The time for plaintiff to notify the court as to how she wishes to proceed has now passed, and plaintiff has not made an election or otherwise responded to the order.

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1 Accordingly, IT IS RECOMMENDED that for the reasons set forth in the September 23,
2 2024 Screening Order (ECF No. 10 at 4-6), the official capacity claims against defendant
3 Franceschi and all claims against defendant Macomber be dismissed without prejudice.

4 These findings and recommendations are submitted to the United States District Judge
5 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
6 after being served with these findings and recommendations, plaintiff may file written objections
7 with the court. Such a document should be captioned "Objections to Magistrate Judges Findings
8 and Recommendations." Plaintiff is advised that failure to file objections within the specified
9 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
10 (9th Cir. 1991).

11 DATED: December 4, 2024


ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE